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**Notice of Allowability**

Application No.

10/753,228

Examiner

Andrea M. Valenti

Applicant(s)

WOLFGRAM, KIRK W.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12 November 2004.
2. ☒ The allowed claim(s) is/are 1-14.
3. ☒ The drawings filed on 08 January 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |   |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                       |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                               |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance              |
|   | 9. <input type="checkbox"/> Other _____.  |

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Kirk Wolfgram on 02 February 2005.

The application has been amended as follows:

#### **Specification:**

Page 11, line 12 of second paragraph, "placed on the ground in" was changed to --placed on the ground surface in--

Page 11, line 14 of second paragraph, "placed on the ground also in" was changed to --placed on the ground surface also in--

Page 11, line 14 of second paragraph, "to repel the animal." Was changed to --to repel the animal. The ground surface in this application is intended to include low laying vegetation and displaced soil that may cover portions of the wire.--

#### **Claims:**

**Claim 1**, line 5, "a ground terminal" was changed to --a ground-terminal--

**Claim 1**, line 6, "to the underlying ground system;" was changed to --to an underlying ground system;--

**Claim 1**, line 8, "and two" was changed to --two--

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**Claim 1**, line 9, "generator for connection to a separate un-insulated electrical conductor placed in contact with the ground for the purpose of deterring animals." Was changed to --generator connected to a separate un-insulated electrical conductor placed directly on a ground surface for the purpose of deterring animals; and a step-up transformer, wherein output impedance of the step-up transformer is less than 100 ohms and optimally greater than 2 ohms.--

**Claim 4**, line 1, "the energy" was changed to --energy--

**Claim 8**, line 5, "and two" was changed to --two--

**Claim 8**, line 6, "generator for connection to separate un-insulated electrical conductors placed in contact with the ground for the purpose of deterring animals." Was changed to --generator connected to separate un-insulated electrical conductors placed directly on a ground surface for the purpose of deterring animals; and a step-up transformer, wherein output impedance of the step-up transformer is less than 100 ohms and optimally greater than 2 ohms.--

**Claim 11**, line 1, "the energy" was changed to --energy--

***Allowable Subject Matter***

Claims 1-14 are allowed.

The following is an examiner's statement of reasons for allowance:

Cited references US Patent 4,274,123; U.S. Patent 4,969,418; US Patent 5,158,039; US Patent 6,371,054; US Patent 3,392,247; US Patent 4,949,216 US Patent 5,072,915; US Patent 5,107,620; US Patent 1,023,599 US Patent 5,949.636; US Patent

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520,510; US Patent 2,633, 337; US Patent 4,114,185; US Patent 6,519,131; US Patent 6,184,790; US Patent 5,767,592; US Patent 2,555,180; US Patent 3,197,916; US Patent 2,899,174; US Patent 2,512,740; US Patent 5,302,945; US Patent 5,877,949 US Patent 6,020,658; US Patent 4,859,868; and US Patent 5,790,023 teach electric animal deterrents for use with a power source with high voltage pulse generators; timing mechanisms; ground terminals; and electrical conductors. The prior art of record all fails to show, and fails to make obvious, either alone and/or in combination the high voltage output terminal also connected to the output of the high voltage pulse generator connected to a separate un-insulated electrical conductor placed directly on a ground surface for the purpose of deterring animals; and step-up transformer, wherein output of the step-up transformer is less than 100 ohms and optimally greater than 2 ohms.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrea M. Valenti whose telephone number is 703-305-3010. The examiner can normally be reached on 7:30am-5pm M-F; Alternating Fridays Off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on 703-308-2574. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Andrea M. Valenti  
Patent Examiner  
Art Unit 3643



Peter M. Poon  
Supervisory Patent Examiner  
Technology Center 3600

02 February 2005

2/3/05